



Gambia, The

Country Reports on Human Rights Practices - [2004](#)

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The Gambia is a republic under multiparty democratic rule. President Alhaji Yahya A.J.J. Jammeh was re-elected for a 5-year term in 2001 in an election considered free and fair, despite some shortcomings. The main opposition coalition initially accepted the results of the presidential elections but later changed its position and boycotted the legislative elections in 2002. President Jammeh's political party, the Alliance for Patriotic Reorientation and Construction (APRC), won majorities in the National Assembly and most local councils. The multiparty opposition remained weak, but efforts were underway to unify them. Although the courts have demonstrated their independence on occasion, the judiciary, especially at lower levels, was at times corrupt and subject to executive branch pressure.

The Gambian Armed Forces reports to the Secretary of State (Minister) for Defense, a position held by the President. The police report to the Secretary of State for the Interior. The National Intelligence Agency (NIA), responsible for protecting state security, collecting intelligence, and conducting covert investigations, reports directly to the President. While civilian authorities generally maintained effective control of the security forces, there were a few instances in which elements of the security forces acted independently of government authority. Some members of the security forces committed human rights abuses.

The country's market-oriented economy encouraged growth through the development of the private sector. Much of the country's population of 1.4 million was engaged in subsistence farming. The high population growth rate diminished the effects of modest economic expansion in recent years. During the year, per capita gross domestic product increased slightly to \$341.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Despite some election deficiencies, citizens generally were able to exercise their right to change their government through periodic elections. Security forces harassed or otherwise mistreated journalists, detainees, prisoners, opposition members and in some cases, ordinary civilians. Arbitrary arrest and detention were problems; and there were reports of a case of incommunicado detention. Prolonged pretrial detention was a problem. Detainees were denied fair and expeditious trials by a slow, inefficient, and corrupt court system. The country's only known political prisoner was freed in January. The Government at times infringed on citizens privacy rights. The Government limited freedom of speech and of the press by intimidation and restrictive legislation. Some journalists practiced self-censorship. The Government generally did not restrict freedom of assembly. Violence and discrimination against women were problems. The practice of female genital mutilation (FGM) remained widespread and entrenched. Child labor persisted, mainly on family farms, and there were reports of child prostitution and sexual exploitation. There were reports of trafficking.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices; however, there were reports that security forces, notably soldiers acting outside the chain of command, beat persons and mistreated civilians. There were occasional reports of torture (see Section 2.a.).

The Indemnity Act stipulates that "the President may, for the purpose of promoting reconciliation in an appropriate case,

indemnify any person he may determine, for any act, matter or omission to act, or things done or purported to have been done during any unlawful assembly, public disturbance, riotous situation or period of public emergency." This law continued to prevent victims from seeking redress in some cases. The army requested that victims file formal complaints so that the cases could be investigated; however, there were no known prosecutions in civil courts of soldiers accused of torturing individuals during the year.

On January 28, soldiers shot and injured a driver at a checkpoint. The police reported that the driver failed to stop for a routine check and that the soldiers fired warning shots into the air, then fired at the vehicle shooting the driver in the shoulder. No action was taken against those responsible by year's end.

On June 23, soldiers playing for the Armed Forces football team beat and handcuffed their rivals' head coach over accusations of unfairness by the referee.

On October 3, according to the press, a soldier severely beat a 20-year old-woman unconscious. The woman claimed that the soldier beat her for failing to greet him and other soldiers. The soldier who was involved immediately was detained while the Military Police investigated the matter. There were no developments in the investigation at year's end.

On October 17, a soldier escorting the Vice President's convoy shot at a motorist for "failing to make way for the convoy" after a delayed vehicle, carrying some soldiers, drove up behind him. A Armed Forces spokesman confirmed the incident and said the matter was under investigation. There were no developments in the investigation at year's end.

In the following 2003 cases, the soldiers involved were charged, fined, and/or reprimanded by military authorities: The March beating of Karamo Marong, the April beating and detainment of Lamin Cham and Ebrima Ceesay, and the beating of Hassan Jobe, the Chief of the Sanchaba Sulay Jobe village, and members of his family.

Prison conditions at Mile 2, Janjanbureh, and Jeshwang prisons generally met international standards, and the Government permitted visits by independent human rights observers. However, an opposition politician, Lamin Waa Juwara, who was held spent 6 months at Mile 2 Central Prison, criticized the poor diet given to the inmates.

Local jails continued to experience overcrowding. Inmates, including detainees awaiting trial, occasionally had to sleep on the floor; they were provided with mats or blankets. Prison guards were reluctant to intervene in fights between prisoners, and some of the prisoners were injured.

Women were held separately from men. Juveniles were held separately from adults, and pretrial detainees were held separately from convicted prisoners. There was no separate section or facility for political prisoners.

The Government permitted independent monitoring of prison conditions by local and international human rights groups.

d. Arbitrary Arrest or Detention

The Constitution prohibits arbitrary arrest and detention; however, police and security forces at times arbitrarily arrested and detained citizens. Periods of detention generally ranged from a few hours to 72 hours, the legal limit after which detainees must be charged or released.

The police served under the Secretary of State for the Interior. The police generally were corrupt and on occasion acted with impunity and defied court orders.

The law requires that authorities obtain a warrant before arresting a person; however, on occasion individuals were arrested without a warrant. Detainees generally were permitted prompt access to family members and legal counsel.

The Government has not formally revoked military decrees enacted prior to the Constitution that give the NIA and the Secretary of State for the Interior broad power to detain individuals indefinitely without charge "in the interest of national security." The Constitution provides that decrees remain in effect unless inconsistent with constitutional provisions. These detention decrees appeared to be inconsistent with the Constitution, but they have not been subject to judicial challenge. The Government stated that it no longer enforced these decrees; however, in some instances, the Government did not respect the constitutional requirement that detainees be brought before a court within 72 hours. Detainees often were released after 72 hours and instructed to report to the police station or NIA headquarters periodically until their case went to trial.

During the year, there were cases of detentions that exceeded the 72-hour limit. Former National Assembly Majority Leader Baba Jobe, who was standing trial on charges of economic crimes, and several of his associates, were detained at various police stations in the country between 3 weeks and 2 months without charge. There were reports that, during part of his detention at the Police Training School, Baba Jobe was held incommunicado.

In October, three senior government officials were dismissed from their jobs for various reasons and detained for more than 72

hours. On October 13, Andrew Sylva was arrested and held for 8 days at the Mile 2 central prison and at the Serious Crime Unit at police Headquarters. Sylva had testified before the Anti-Corruption Commission of Inquiry that President Jammeh had taken a government-owned generator from a government-owned hotel for use at his private residence. On October 21, he was charged with perjury and granted bail. The trial was in progress at year's end.

On October 13, Tamsir Jasseh, the former Director of Immigration, was arrested and held for 5 days before being released without charge.

On October 15, Adama Deen, the former Managing Director of the Ports Authority, was arrested and held for 6 days. There were no charges brought against Deen by year's end.

In November, Kawsu Gibba, National Assembly Member for Foni Kansala; Momodou Lamin Nyassi, Chief of the same district; and seven others were arrested and accused of allegedly selling part of President Jammeh's supposed Ramadan gift of rice and sugar to the people of Foni Kansala. They were detained for more than 72 hours at the Serious Crime Unit and at Mile 2 Central Prison. On December 22, the charges were dropped.

There was a functioning bail system. However, on several occasions, the courts released accused offenders on bail, while the police or other law enforcement agencies rearrested the offenders upon their leaving the court. In November, police ignored a granting of bail in the case of businessman Momodou Jobe. Security guards at the State House arrested Jobe shortly after an audience with the President and took him to prison. He was held for several days before being brought to court to face charges of robbery and fraud. After Magistrate Mbotto set Jobe free on bail, police re-arrested Jobe as he left the courthouse. There were no developments in this case by year's end.

Security forces at times briefly detained journalists and persons who publicly criticized the Government or who expressed views in disagreement with the Government (see Section 2.a.).

On July 30, the high court acquitted Momodou Ousman Saho (known as Dumo), Ebrima Yarbo, and Ebrima Barrow of treason. They were the last of six persons, including two military officers, who were accused of plotting to harm the President and overthrow the Government.

The slow pace of the justice system resulted in detainees waiting long periods in pretrial detention. Approximately 40 of Mile 2 Prison's 230 inmates were in detention pending trial. Some have been incarcerated for more than 4 years without trial.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, in practice, the courts, especially at the lower levels, were corrupt and subject to executive branch pressure at times. Nevertheless, the courts demonstrated independence on several occasions, including in significant cases.

The Constitution provides for a fair trial; however, the judicial system suffered from corruption, particularly at the lower levels, and from inefficiency at all levels. Many cases were not heard for months or years because the court system was overburdened and lacked the capacity to handle the high volume of cases. To alleviate the backlog and reduce the possibility of undue influence and corruption, the Government continued to recruit judges and magistrates from other Commonwealth countries who share a similar legal system. The Attorney General oversees the hiring of foreign judges on contract. The Government reserves the right not to renew a judge's contract. Foreign judges were generally less susceptible to corruption and executive branch pressure. Despite these steps, corruption in the legal system persisted.

The judicial system is composed of the Supreme Court, the Court of Appeal, high courts, and eight magistrate courts. Village chiefs presided over local courts at the village level.

Trials are public, and defendants have the right to an attorney at their own expense. Defendants are presumed innocent, have the right to confront witnesses and evidence against them, present witnesses on their own behalf, and appeal judgment to a higher court.

The judicial system recognizes customary, Shari'a (Islamic law), and general law. Customary law covers marriage and divorce for non-Muslims, inheritance, land tenure, tribal and clan leadership, and other traditional and social relations. Shari'a was observed primarily in Muslim marriage and divorce matters; it favored men in its provisions (see Section 5). General law, following the British model, applied to felonies and misdemeanors in urban areas and to the formal business sector.

Persons have been held for extended periods pending trial (see Section 1.d.).

The trial involving the leader of opposition United Democratic Party (UDP), Lawyer Ousainou Darboe, and four others charged with the murder of ruling APRC party supporter Alieu Njie in 2000 began during the year. It was ongoing at year's end.

On January 26, the only known political prisoner, Lieutenant Sana Sabally, was freed from prison after completing a 9-year jail term for allegedly conspiring to assassinate the President in 1995.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such abuses; although the Government generally respected these prohibitions, there were some exceptions. The Government has not repealed Decree 45, which abrogates constitutional safeguards against arbitrary search and permits search and seizure of property without due process. This decree formally remained in effect, pending a judicial finding that it is unconstitutional; however, in practice, the Government did not use it. In some instances, security forces forcibly entered homes to arrest citizens without warrants.

Observers believed the Government monitored citizens engaged in activities that it deemed objectionable.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and the press; however, the Government limited these rights by intimidation and restrictive legislation. Journalists practiced a degree of self-censorship. The Government did not restrict academic freedom.

On occasion, security forces detained persons who publicly criticized or who expressed views in disagreement with the Government. For example, Lamin Waa Juwara, leader the National Democratic Action Movement (NDAM) spent 6 months in jail after being convicted of sedition for views expressed in a newspaper interview in September 2003, in which he allegedly called for a public protest against the Government. On June 25, Juwara was released.

On July 1, Brikama Police arrested Seedy Fanneh of Brikama Madina and charged him with insulting the President. Fanneh accused the police of torture and showed a newspaper journalist signs of a severe beating on his back. Fanneh's trial was in progress at the Brikama Magistrate Court at year's end.

The Government published one newspaper, The Gambia Daily. The Daily Observer, although privately owned, tended to favor the Government in its coverage. There were four other independent newspapers, including one published by an opposition political party. There was one independent weekly magazine.

The Government generally did not restrict the publication, importation, or distribution of written material. English, French, and other foreign newspapers and magazines were available.

During the year, one government-owned and four private radio stations broadcast throughout the country. There were at least two independent radio stations. Local stations rebroadcast the British Broadcasting Corporation, Radio France Internationale, the Voice of America, and other foreign news reports, and all were available via short-wave radio. Both the government-owned GRTS television and foreign cable and satellite television channels were available in many parts of the country. The Government allowed unrestricted access to satellite television, and residents who could afford to do so received independent news coverage via a satellite dish or antenna.

Citizen FM, known in the past for its civic education and political programming, remained closed at year's end.

During most of the year, government-owned television and radio gave very limited coverage to opposition activities, but some statements by opposition parliamentarians in the National Assembly were reported.

During the year, the Government detained, questioned, and otherwise harassed journalists and editors of newspapers that published articles it considered inaccurate or sensitive. For example, on February 2, Alhaji Yorro Jallow, the managing editor of The Independent newspaper, and editor-in-chief Abdoulaye Sey, were arrested and questioned for several hours regarding a story on the ownership of the Kairaba Beach Hotel and Resort.

There were other attacks and threats on the independent media during the year, although these have not been definitively attributed to the Government or the security forces. For example, on April 13, six unidentified persons illegally entered the offices of The Independent newspaper in Kanifing and burned the newspaper's new printing press. The Government criticized the attack and launched an investigation. In August, the leader of the opposition National Reconciliation Party, Hamat Bah, told the National Assembly that he had information that two officers of the National Guard were among those who attacked The Independent. The police condemned Bah for making such statements in the National Assembly, and stated that the investigation was underway. There were no developments in the investigation by year's end.

On August 12, the President of the Gambia Press Union, Demba A. Jawo, received an anonymous threat at his house warning him about his critical writing against President Jammeh and the APRC Government. The letter promised to teach a lesson to journalists who persisted in their negative reporting about the Government. There were no further actions at year's end.

On August 15, unidentified persons set the house of BBC stringer Ebrima Sillah on fire; Sillah escaped unharmed. The Government condemned the arson attack and appealed to members of the public who may have information that could lead to the arrest of the attackers to work with the security forces. Police were not able to identify the arsonists by year's end.

On December 16, an unidentified assailant shot and killed journalist and newspaper publisher of The Point, Deyda Hydera. Two female members of Hydera's staff also were injured. The Government condemned the attack and promised to bring the culprits to justice. There were no developments by year's end.

The National Media Commission was a state-appointed committee with the power to license and register journalists and force them to disclose their sources of information. On two occasions, the Government extended the deadline for all journalists and media houses to register or face closure by 90 days to allow the Department of State for Justice time to study the media chief's proposed amendments to the law.

On December 13, the National Assembly repealed the 2002 National Media Commission Act as well as the clause in the Constitution that provided for the establishment of the Commission. However, on the same day, the Assembly passed an amendment to the Newspaper Act requiring independent journalists and broadcasting outlets to establish their own code of conduct and a regulatory body to enforce it. The amendment increased the bond deposited by nongovernment newspaper publishers and managers of broadcasting institutions from \$3,448 (100,000 dalasi) to \$17,240 (500,000 dalasi). On December 14, the Assembly passed amendments to the Criminal Code that broadened the definition of libel and imposed mandatory prison sentences of 6 months to 3 years for offenders without the option of a fine. By year's end, President Jammeh had not signed these bills into law.

Although the nongovernment press practiced a degree of self censorship, the press frequently voiced strong, direct criticism of the Government, and opposition views regularly appeared in the independent press.

The Government did not restrict Internet access.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, and the Government generally respected this right in practice. However, on December 22, the Government restricted others from joining journalists who participated in a demonstration held in response to the killing of journalist Deyda Hydera (see Section 2.a.). The Government further discouraged members of the public from joining the march by positioning National Guard soldiers along the demonstration route in Banjul.

The Constitution provides for freedom of association, and the Government generally respected this right in practice. The AFPRC's Decree 81 requires nongovernmental organizations (NGOs) to register with the National Advisory Council, which has the authority to deny, suspend, or cancel the right of any NGO to operate, including that of international NGOs. The Government did not take action against any NGOs during the year.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights but allows for "reasonable restrictions," which the Government at times enforced. The Government prohibited those under investigation for corruption or security matters from leaving the country.

The Constitution prohibits forced exile, and the Government did not use it.

The Constitution provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees, the 1967 Protocol Relating to the Status of Refugees, and the Organization of African Union's Convention Governing the Specific Aspects of Refugee Problems in Africa, and the Government has established a system for providing such protection. In practice, the Government provided protection against refoulement, the return of persons to a country where they feared persecution, and granted refugee status or asylum. The Government cooperated with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers. The country hosted approximately 600 Senegalese refugees from the troubled Casamance region, as well as approximately 1,500 additional refugees from the Republic of the Congo, the Democratic Republic of the Congo, Eritrea, Ethiopia, and Liberia.

The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 Convention/1967 Protocol.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their Government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The Constitution provides for the democratic elections of the President and National Assembly every 5 years. The APRC remained the dominant political party.

International observers described the 2001 presidential electoral process as generally free and fair, despite some shortcomings. President Jammeh won approximately 53 percent of the vote. The opposition political parties initially conceded the elections but then accused the Government of bribing voters and issuing threats, both explicit and veiled, against individuals and communities that did not support the incumbent. Observers agreed there probably were some irregularities in the registration process but on a much smaller scale than the UDP/ People's Progressive Party (PPP)/ Gambia People's Party coalition alleged. The post-election period was marred when Jammeh fired more than 20 village heads and civil servants who had not expressed public support for him during the campaign or who had been accused of corruption or incompetence; security forces also arrested and detained many opposition supporters throughout the country.

The major opposition coalition boycotted the 2002 National Assembly elections accusing the Independent Electoral Commission of allowing fraudulent voter registrations and mismanaging both the presidential and legislative elections. The boycott was criticized widely as unjustified and as an inappropriate response to the alleged fraud and left many of the opposition's own candidates unfunded and unsupported during the elections. The APRC won the majority for the National Assembly. The People Democratic Organization for Independence and Socialism (PDOIS) won two seats and the National Reconciliation Party won one seat. The President appointed 4 members of his own party and 1 former opposition presidential candidate to the 48-member National Assembly.

Throughout the year, there were efforts to bring together the five main opposition parties: NDAM, National Reconciliation Party (NRP), PDOIS, PPP, and UDP in a coalition to contest the 2006 presidential elections. At year's end, the parties said they had reached an agreement.

In July, while negotiations on the proposed coalition were still in progress, the parties involved backed the UDP candidate in the Jarra West by-election, who went on to win the National Assembly seat left vacant after the conviction of the former Majority Leader.

Corruption was a serious problem. In October 2003, the President launched an anti-corruption program, "Operation No Compromise," to rid the government system of corruption and help restore the confidence of the international community. A number of once influential government officials and businesspersons have been affected by the campaign. Immediately following the start of the campaign, the Government ended open speculation on the national currency by black-market foreign exchange dealers.

On March 29, the former majority leader of the National Assembly, and a very influential figure within the ruling party, Baba Jobe, was sentenced to 9 years and 8 months' imprisonment and ordered to reimburse the Port Authority \$3 million (91.1 million dalasi) for economic crimes stemming from corruption (see Section 1.d.).

On July 1, the President established a Commission of Inquiry to investigate the assets and properties of all senior public officials who served his administration over the past 10 years, including ministers, permanent secretaries, central bank and customs officials, as well as senior intelligence and military officers. By year's end, the commission was still sitting.

On July 16, the President appointed a special commission of inquiry to investigate alleged corruption surrounding a \$3 million fiber optic cable deal by the national telecommunications company GAMTEL. At year's end, the commission was still sitting.

During the year, a number of senior government officials also lost their jobs, some of them for suspected corrupt practices.

In October 2003, the Director General of the Civil Aviation Authority, his deputy, and the Director of Finance, were dismissed for alleged misuse of funds. Also, several senior officials of the Central Bank, including the Foreign Exchange Manager, were removed from their positions over allegations of fraud, especially in foreign currency transactions.

The law does not provide for public access to government information. Under Official Secrets Act, civil servants are not allowed to divulge information about their department or even to speak to the press without prior clearance with their head of department. In some cases, journalists from certain independent newspapers have been refused access to public events, apparently because of the dislike by certain government officials of their editorial stance.

There were 6 women in the 48-seat National Assembly; 3 were elected, 4 were appointed by the President. There were 3 women in the 15-member Cabinet, including the Vice President. In July, as reported in the local media, the President relieved one woman, Ramzia Diab, of her appointed National Assembly seat for her open support of ousted Majority leader Baba Jobe and replaced her with a man.

There were no statistics available on the percentage of minorities who compose the legislature or the cabinet. President

Jammeh and some members of his administration were from the previously marginalized minority Jola ethnic group.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

Section 5 Discrimination, Societal Abuses, and Trafficking In Persons

The Constitution prohibits discrimination based on race, religion, sex, disability, language, or social status, and the Government generally enforced these prohibitions.

Women

Domestic violence, including spousal abuse, was a problem. It was reported occasionally, and its occurrence was believed to be common. Police considered these incidents to be domestic issues outside of their ordinary jurisdiction. Rape, spousal rape, and assault are crimes under the law; rape was not common. The law against spousal rape was difficult to enforce effectively, as many did not consider spousal rape a crime and failed to report it.

The practice of FGM remained widespread and entrenched, although there were efforts by several NGOs to discourage the practice through public education. Between 60 and 90 percent of women have undergone FGM. Approximately seven of the nine major ethnic groups practiced FGM at ages varying from shortly after birth until age 16. FGM was less frequent among the educated and urban segments of those groups. There were unconfirmed reports of incidences of health related complications, including deaths, associated with the practice of FGM; however, no accurate statistics were available. The Government publicly supported efforts to eradicate FGM and discouraged it through health education; however, authorities have not passed legislation against FGM, which was not considered a criminal act. President Jammeh stated that the Government would not impose a ban on FGM, but his administration worked to convince traditional village leaders to abandon the practice. Practitioners of FGM and other types of circumcision in the country believed that Islam mandates it; however, at least one influential imam declared that Islam forbids such harmful customs.

Prostitution is illegal but was a problem, especially in the tourist areas. The Government expelled numerous foreign prostitutes. The 2003 Tourism Offences Act was passed to deal with increasing incidents of tourism-related offences, including sex tourism. The Act prohibits child prostitution, trafficking and pornography.

There are no laws against sexual harassment. Although individual instances have been noted, sexual harassment was not believed to be widespread.

Traditional views of women's roles resulted in extensive societal discrimination in education and employment. Employment in the formal sector was open to women at the same salary rates as men. No statutory discrimination existed in other kinds of employment; however, women generally were employed in such places as food vending or subsistence farming.

Shari'a law is applied in divorce and inheritance matters for Muslims, who make up more than 90 percent of the population. Women normally received a lower proportion of assets distributed through inheritance than did male relatives. The appropriate church and the Office of the Attorney General settled Christian and civil marriage and divorce matters.

Marriages often were arranged and, depending on the ethnic group, polygyny was practiced. Women in polygynous unions have property and other rights arising from the marriage. They have the option to divorce but not a legal right to approve or be notified in advance of subsequent marriages.

The Department of Women's Affairs, under the direction of the Vice President, oversees programs to ensure the legal rights of women. Active women's rights groups existed.

Children

The Government was committed to children's welfare. The Department of Education and the Department of Health and Social Welfare were the two most generously funded government departments; however, lack of resources limited state provision of both education and health services.

The Constitution mandates free, compulsory primary education up to 8 years of age, but the state of the educational infrastructure prevented effective compulsory education, and children still must pay school fees. The Government estimated that in 2000, 60 percent of children were enrolled in primary school. Girls constituted approximately 40 percent of primary school students and roughly one-third of high school students. The enrollment of girls was low, particularly in rural areas where a

combination of poverty and socio-cultural factors influenced parents' decisions not to send girls to school. The Government implemented a countrywide program to pay school fees for all girls.

Authorities generally intervened when cases of child abuse or mistreatment were brought to their attention; however, there was no societal pattern of abuse against children. Any person who has carnal knowledge of a girl under the age of 16 is guilty of a felony (except in the case of marriage, which can be as early as 12 years of age). Incest also is illegal. These laws generally were enforced. Serious cases of abuse and violence against children were subject to criminal penalties.

FGM was performed primarily on young girls (see Section 5, Women). There were no developments in the 2002 case of forcible circumcision of a 13-year-old girl in Tanji village.

Trafficking of children for prostitution was a problem (see Section 5, Trafficking).

Child labor was a problem (see Section 6.d.).

The Child Protection Alliance (CPA), a consortium of various organizations (national and international) that promote the protection of children from abuse, conducted countrywide workshops for teachers on alternatives to corporal punishments, and awareness campaigns against sexual exploitation of children for community and religious leaders. In September, it held a 1-week police training on combating child sexual abuse and exploitation in travel and tourism for security officers.

Trafficking in Persons

The law does not comprehensively prohibit trafficking in persons, and trafficking occurred. The Government considered trafficking in persons to be a serious problem, initiated anti-trafficking legislation, and established a multi-agency trafficking in persons taskforce. The Government had not prosecuted anyone for trafficking by year's end.

In January, a joint UNICEF-government study reported that children engaged in prostitution in the main tourist resort areas were predominantly underage, some as young as 12. The report stated that the country has become an attraction for suspected or convicted European pedophiles that entered the country as tourists and committed their crimes against children silently and with impunity. Victims of trafficking were children of both sexes, normally younger than 16 to 18 years old, and included both citizens and immigrants or refugees from Sierra Leone, Liberia, Senegal, and Guinea-Bissau. The foreign children were war migrants without proper family support.

Some child prostitution victims stated they worked to support their families, or because they were orphans and their guardian/procuree supported them. The guardian/procuree often assumed the role of the African uncle, allowing the children to live in his compound with their younger siblings or paying school fees on their behalf in return for their servitude.

The country was a destination for trafficking victims. The number of persons, mostly children, trafficked for commercial sexual exploitation was small but growing. In February, the authorities rescued approximately 30 Ghanaian children trafficked for commercial labor and as domestic servants. Twelve of the children were sent back to Ghana, but the rest were returned to their biological parents in the country with whom they lived. The parents of the children may or may not have been themselves victims of trafficking. Most trafficking victims became prostitutes and beggars; a few became domestic servants. Trafficking victims mostly came from conflict-ravaged countries, such as Liberia and Sierra Leone. Victims from Senegal, Guinea Bissau, and Sierra Leone told CPA that foreign residents obtained permission from their home country families to employ them as bar waitresses or domestic maids. After their arrival, the local employers informed them their duties entailed commercial sex work.

The country was also a point of origin and transit for trafficking. In previous years, there were reports of a few citizens being trafficked to Western Europe, as well as some Senegalese and Bissau-Guineans reportedly trafficked through the country to Western Europe, mostly to Scandinavia; however, there were no such reports during the year.

There was no evidence of government involvement at any level in trafficking in persons.

The Government had no established victim care and health facilities for trafficked persons; however, the Government provided temporary shelter and access to medical and psychological services to reported victims of trafficking.

The Government's Task Force on Trafficking in Persons consisted of members that represented various government agencies including Immigration, Police, National Intelligence Agency, Justice, Foreign Affairs, Social Welfare, and Trade and Industry as well as UNICEF, the National Assembly, and the CPA.

Persons with Disabilities

There were no statutes or regulations requiring accessibility for persons with disabilities. No legal discrimination against persons with physical disabilities existed in employment, education, or other state services; however, some societal discrimination existed towards those with disabilities. Persons with severe disabilities subsisted primarily through private charity. Persons with

less severe disabilities were accepted fully in society, and they encountered little discrimination in employment for which they physically were capable. Very few buildings in the country were specifically accessible to persons with disabilities.

Other Societal Abuses and Discrimination

There was evidence of societal discrimination against persons infected with the HIV/AIDS virus. Stigma and discrimination hindered disclosure and led to rejection from partners and relatives. In some cases, persons infected with HIV/AIDS were prevented from meeting visitors.

The Government committed itself to protecting the rights of persons living with HIV/AIDS by developing a 5-year National Strategic Plan that includes the provision of care, treatment, and support to persons living with, or affected by, HIV/AIDS.

Section 6 Worker Rights

a. The Right of Association

The Labor Act, which applies to all workers except civil servants, specifies that workers are free to form associations, including trade unions, and workers exercised this right in practice. Unions must register to be recognized, and there were no cases where registration was denied to a union that applied for it. The Labor Act specifically prohibits police officers and military personnel, as well as other civil service employees, from forming unions. Approximately 20 percent of the work force was employed in the modern wage sector, where unions were most active.

In February, the International Confederation of Free Trade Unions issued a report alleging that the Government had not implemented the eight International Labor Organization conventions known as "core labor rights" and criticized the Government for prohibiting civil servants from forming unions. The Government responded that it is updating the Labor Act to incorporate the ILO conventions; however, no new labor legislation was in place at year's end.

Employers may not fire or discriminate against members of registered unions for engaging in legal union activities, and the Government intervened to assist workers who were fired or discriminated against by employers.

b. The Right to Organize and Bargain Collectively

The Labor Act allows workers to organize and bargain collectively, and although trade unions were small and fragmented, collective bargaining took place. Unions were able to negotiate without government interference; however, in practice, the unions lacked experience, organization, and professionalism, and often turned to the Government for assistance in negotiations. Union members' wages, which generally exceeded legal minimums, were determined by collective bargaining, arbitration, or agreements reached between unions and management. The act also sets minimum contract standards for hiring, training, terms of employment, and provides that contracts may not prohibit union membership.

The Labor Act authorizes strikes but requires that unions give the Commissioner of Labor 14 days' written notice before beginning an industrial action (28 days for essential services); however, because of certain provisions of the Labor Act and the weakness of unions, few strikes occurred. There were no strikes during the year. The Labor Act specifically prohibits police officers and military personnel, as well as other civil service employees, from striking. Upon application by an employer to a court, the court may prohibit industrial action that is ruled to be in pursuit of a political objective. The court also may forbid action judged to be in breach of a collectively agreed procedure for settlement of industrial disputes. It prohibits retribution against strikers who comply with the law regulating strikes.

In April, the Government introduced two Industrial Tribunals in Banjul and Kanifing to handle all labor related disputes and claims arising out of work. The tribunals are provided for in the Labor Act but had never been established.

There is a government-established export-processing zone (EPZ) at the port of Banjul and the adjacent bonded warehouses. The Labor Code covers workers in the EPZs, and they were afforded the same rights as workers elsewhere in the economy.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see Section 5).

d. Prohibition of Child Labor and Minimum Age for Employment

The statutory minimum age for employment is 14 years; however, child labor was a problem. There was no effective compulsory education, and because of limited secondary school openings, most children completed formal education by the age of 14 and then began work. Child labor protection does not extend to youth performing customary chores on family farms or engaged in petty trading. In rural areas, most children assisted their families in farming and housework. In urban areas, many children

worked as street vendors or taxi and bus assistants. There were a few instances of children begging on the street. The tourist industry stimulated a low, but growing level of child prostitution (see Section 5). Employee labor cards, which include a person's age, were registered with the Labor Commissioner, who was authorized to enforce child labor laws; however, enforcement inspections rarely took place. The Department of Labor under the Department of State for Trade and Employment was responsible for implementing the provisions of the ILO Convention 182 on the worst forms of child labor; however, the Government generally was ineffective in enforcing those provisions.

e. Acceptable Conditions of Work

Minimum wages and working hours were established by law through six joint industrial councils, comprised of representatives from labor, management, and the Government. The lowest minimum wage was approximately \$0.41 (12 dalasi) per day for unskilled labor. The national minimum wage did not provide a decent standard of living for a worker and family. The minimum wage law covers only 20 percent of the labor force, essentially those workers in the formal economic sector. A majority of workers were employed privately or were self-employed, often in agriculture. Most citizens did not live on a single worker's earnings and shared resources within extended families.

The basic legal workweek was 48 hours within a period not to exceed 6 consecutive days. Nationwide, the workweek included four 8-hour workdays and two 4-hour workdays (Friday and Saturday). A 30-minute lunch break was mandated. Government employees were entitled to 1 month of paid annual leave after 1 year of service. Private sector employees received between 14 and 30 days of paid annual leave, depending on length of service.

The Labor Act specifies safety equipment that an employer must provide to employees working in designated occupations. The Factory Act authorizes the Department of Labor to regulate factory health and safety, accident prevention, and dangerous trades, and to appoint inspectors to ensure compliance with safety standards. Enforcement was inconsistent due to insufficient and inadequately trained staff. Workers may demand protective equipment and clothing for hazardous workplaces and have recourse to the Labor Department. The law provides that workers may refuse to work in dangerous situations without risking loss of employment; however, in practice workers who do so risk loss of employment.

The law protects foreign workers employed by the Government; however, it only provides protection for privately employed foreigners if they have a current valid work permit. Illegal foreign workers without valid work permits do not enjoy protections under the law. Legal foreign workers may join local unions.